IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1292 of 2005

Between:

1 A.Adinarayana Rao, S/o.Late A.Lakshmi Narayana, Attender, S.P.S.M.H.School, Gudivada, Krishna District.
2 U.Satyanarayana, S/o.U.V.Subbaiah, Night Watchman, S.P.S.M.H.School, Gudivada, Krishna District.

..... PETITIONERS

AND

1 The Head Master, S.P.S.M.H.School, Gudivada, Krishna District.
2 The Municipal Commissioner, Gudivada Municipality, Gudivada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will may be pleased to issue a writ order, direction more particularly writ in the nature of Mandamus under Article 226 of Constitution of India, to declare the impugned proceedings vide ROC No.8891/2004-C, dated 16-12-2004 as illegal, improper and unjust consequently the petitioners are entitled and also entitled to draw the regular wages and pass such other order or orders.

Counsel for the Petitioners: SMT.A.PADMA

Counsel for Respondent No.1: Mr.S.Nageshwar Reddy

Counsel for the Respondent No.2: MR.T.S.VENKATARAMANA

The Court made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.326 of 2005, dated 28.1.2005.

2. The petitioners are working in Municipal High School, Gudivada. They challenged the proceedings issued by the 2nd respondent-Municipal Commissioner, Gudivada Municipality, Gudivada, Krishna District, wherein they were directed to stop attending the duties with effect from 16.12.2004. The said order came to be challenged by them before the Tribunal. The Tribunal, after considering the matter, disposed of the above OA by directing the petitioners to file an appeal before the appellate authority viz., Regional Joint Director of Rajahmandry Municipality and also directed the respondents to pay the subsistence allowance. Aggrieved by the said order the present Writ Petition has been filed.

3. The learned counsel for the petitioners submits that the very order of the 2nd respondent is illegal and without jurisdiction. It is further submitted that the petitioners obtained personal loan from Indian Bank after producing the Certificates issued by the Officiating Headmaster Mr.M.Jakraiah. Therefore, the suspension is wholly unwarranted.

4. After hearing both the learned Counsel, we are not inclined to interfere with the matter inasmuch as the Tribunal issued directions to the petitioners to file the appeal before the Regional Joint Director of Rajahmandry Municipality. It is now stated by the learned counsel for the petitioners that though the appeal had already been filed on 9.2.2005, so far the same has not been disposed of.

5. Under these circumstances we dispose of the Writ Petition directing the Regional Joint Director of Rajahmandry Municipality to dispose of the appeal filed by the petitioners, if not already disposed of, within a period of three (03) weeks from the date of receipt of a copy of this order. In case the appeal is not disposed of by the

Regional Joint Director as directed above, the petitioners shall be reinstated into service pending orders in the appeal. Till such time the petitioners are reinstated they shall be paid subsistence allowance as per Rules. No costs.

(G.BIKSHAPATHY, J.)

3rd March, 2005.

(P.S.NARAYANA, J.)

SSR

Issue copy in two days.

(BO)

..... REGISTRAR

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SECTION OFFICER

To

1 The Head Master, S.P.S.M.H.School, Gudivada, Krishna District.
2 The Municipal Commissioner, Gudivada Municipality, Gudivada, Krishna District.

3 The Regional Joint Director, Muncipal Corporation of Rajahmandry,

Rajahmandry.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

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